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BEFORE THE
Federal Communications Commission

WASHINGTON, D.C.

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

In the Matter of)
)
Amendment to the Commission's Regulatory Policies)
Governing Domestic Fixed Satellites and Separate)
International Satellite Systems)

IB Docket No. 95-41

To: The Commission

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**COMMENTS OF
THE CHRISTIAN BROADCASTING NETWORK**

The Christian Broadcasting Network ("CBN"), by its attorneys and pursuant to Section 1.415 of the Commission's Rules, 47 C.F.R. § 1.415 (1994), hereby submits its comments on the Notice of Proposed Rulemaking ("NPRM") in the above-referenced docket.^{1/}

With the increasing trend towards a globalized economy and the globalization of communications needs, the public interest is best served by any simplification of access to global markets by domestic telecommunications providers.^{2/} To that end, CBN supports the Commission's proposal to treat all U.S.-licensed geostationary satellite systems under a single regulatory scheme, and specifically, its complementary proposal to classify earth stations serving U.S.-licensed geostationary satellite systems under a single designation. Furthermore,

^{1/} Notice of Proposed Rulemaking, Amendment to the Commission's Regulatory Policies Governing Domestic Fixed Satellites and Separate International Satellite Systems, IB Docket No. 95-41, FCC 95-146 (April 25, 1995).

^{2/} Id. at ¶¶ 16-17.

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CBN supports all efforts by the FCC to seek the cooperation of other U.S. agencies and foreign governments to facilitate the realization of a fully global telecommunications market in which U.S. earth stations will have the flexibility to communicate with any satellites in view, subject to Article XIV(d) consultation and frequency coordination.

Discussion

CBN, a non-profit, non-stock corporation organized under the laws of the Commonwealth of Virginia, produces television programming with religious overtones such as *The 700 Club*, now in its 34th year of providing its viewers news, talk, public affairs and entertainment. In addition to airing *The 700 Club* on The Family Channel cable programming service, CBN currently distributes *The 700 Club* daily to approximately 310 full and low power television stations domestically via satellite, with many stations airing the live feed of the program. CBN uplinks programming to these domestic television stations from its earth station in Virginia Beach, Virginia, classified as “domestic,” and, under the present regulatory regime, without authority to communicate with satellites providing international service. Because of the expense of contracting with a third party holding international authorizations to uplink its programming, CBN is limited to less sophisticated, lower quality, time-delayed means of international distribution, such as tape delivery or a complex web of multiple-hop microwave transmissions.^{3/}

^{3/} For example, to achieve same-day Canadian distribution of *The 700 Club*, CBN’s satellite feed must be intercepted in Buffalo, New York, where it is sent into Canada by microwave, and then by further terrestrial links to Toronto, all prior to Canadian broadcast.

In fact, it is CBN's complex efforts to achieve cost-efficient, same-day international distribution of its programming that gives rise to its interest in the instant proceeding. Specifically, CBN now seeks to reach emerging global audiences eager to view its programming in locations such as the Russian Federation and other previously communist countries of Eastern Europe. However, antiquated regulatory barriers such as differentiations between domestic and international satellites, and their respective earth stations, frustrate CBN's ability to uplink internationally. These impediments to the distribution of CBN's programming could be remedied through implementation of the rules and policies proposed in the NPRM.

CBN agrees with the Commission that the time has come to remove the arbitrary distinctions separating domestic and international U.S.-licensed satellites, which therefore negates the need for arbitrary distinctions between domestic and international earth stations using U.S.-licensed space segment.^{4/} Adoption of this proposal will allow all U.S.-licensed earth stations the flexibility to communicate with all U.S.-licensed satellites irrespective of their footprints, subject to Article XIV(d) consultation and frequency coordination, without the delays and uncertainties associated with obtaining separate international uplink authority through earth station license modifications compelled only by antiquated policies. In CBN's view, the proposed regulatory relief will do more than just pave the way for greater competition in the provision of satellite services -- it will also greatly benefit the U.S. television programming industry by opening the global information infrastructure to all U.S.-licensed transmit earth stations.

^{4/} NPRM at ¶¶ 34-36.

The FCC's good intentions in regulating U.S. satellites for a fully global telecommunications market will be an empty effort without the cooperation of foreign governments in granting landing rights for U.S. satellite transmissions. The NPRM also seeks comment on any other issues raised by the proposed policy changes, including, but not limited to, relationships with other countries' satellite systems.^{5/} CBN believes that this rulemaking provides an appropriate platform in which to address the second significant obstacle to global distribution of its programming -- the contentious environment in which U.S. satellite systems seek landing rights abroad, and its consequences for U.S. earth station licensees attempting to uplink to non-U.S. satellites for global reception.^{6/} In the spirit of another pending FCC rulemaking recognizing the expansion of the global economy,^{7/} and considering the global nature of satellite technology in general, the FCC (as well as the State Department) now have an opportunity to reach out to other nations, many of which have growing unused satellite capacities, and reopen discussions with these governments in pursuit of full international competition and the optimal use of all countries' technological wares. Upon cementing these relationships, the FCC can consider further revising U.S. earth station licensing procedures to eliminate license modification requirements for U.S. earth stations

^{5/} See id. at ¶ 39 (whether, and under what conditions, non-U.S. satellites should be permitted to serve the U.S. domestic market); id. at ¶ 40 (whether the U.S. should reopen coordination with satellite systems from other countries).

^{6/} See, e.g., *Columbia Objects to State's Positive Evaluation of Russian Markets*, *Satellite Week*, No. 42, Vol. 16, October 31, 1994, available in LEXIS, Nexis Library, CURNWS file.

^{7/} See Notice of Proposed Rulemaking, Market Entry and Regulation of Foreign-affiliated Entities, IB Docket No. 95-22, RM-8355, RM-8392, FCC 95-53 (February 17, 1995).

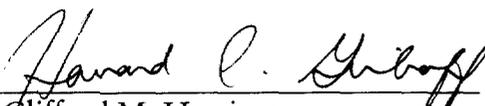
seeking to add approved non-U.S. satellites as a point of communication, again, subject to Article XIV(d) consultation and frequency coordination, with the ultimate goal of realizing a fully global telecommunications market in which U.S. earth stations will have the flexibility to communicate with any satellites in view.

Conclusion

WHEREFORE, CBN respectfully urges the Commission to amend its rules and policies governing U.S.-licensed satellite systems and earth stations, and consider further cooperation with other government agencies and foreign governments regarding U.S. earth station access to non-U.S. satellites, in accordance with the above views.

Respectfully submitted,

**THE CHRISTIAN BROADCASTING
NETWORK**

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